

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

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| ROCKET MORTGAGE, LLC, <i>formerly known as</i> Quicken Loans, LLC, <i>formerly known as</i> Quicken Loans Inc., <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> ERIC L. ROTH and DEBRA L. ROTH, <p style="text-align: center;">Defendants.</p> | 4:23-CV-04207-KES ORDER GRANTING DEFENDANT’S MOTION FOR LEAVE TO PROCEED WITHOUT PREPAYMENT OF FEES |
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Defendants, Eric and Debra Roth, filed a pro se notice of removal of a state court action to federal court. Docket 1. Eric filed a motion for leave to proceed without prepayment of fees. Docket 2. “The clerk of each district court shall require the parties instituting any civil action, suit or proceeding in such court, whether by original process, removal or otherwise, to pay a filing fee[.]” 28 U.S.C. § 1914(a). *See also* D.S.D. Civ. LR 83.5.A.1. A federal court may authorize the commencement of any lawsuit without prepayment of fees when an applicant submits an affidavit stating he or she is unable to pay the costs of the lawsuit. 28 U.S.C. § 1915(a)(1). “[I]n forma pauperis status does not require a litigant to demonstrate absolute destitution.” *Lee v. McDonald’s Corp.*, 231 F.3d 456, 459 (8th Cir. 2000). But in forma pauperis status is a privilege, not a right. *Williams v. McKenzie*, 834 F.2d 152, 154 (8th Cir. 1987). Determining whether an applicant is sufficiently impoverished to qualify to proceed in forma pauperis under § 1915 is committed to the sound discretion of the district

court. *Cross v. Gen. Motors Corp.*, 721 F.2d 1152, 1157 (8th Cir. 1983). After review of Eric's financial affidavit, the court finds that he has insufficient funds to pay the filing fee.

Thus, it is ORDERED

1. That Eric's motion for leave to proceed without prepayment of fees (Docket 2) is granted.

Dated August 16, 2024.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER
UNITED STATES DISTRICT JUDGE